



"The City With a Heart"

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice-Chair*
Bob Marshall, Jr
Mary Lou Johnson
Kevin Chase
Perry Petersen
Joe Sammut

AGENDA

PLANNING COMMISSION MEETING

March 20, 2012
7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

Planning Commission meetings are conducted in accordance with Roberts Rules of Order Newly Revised. You may address any agenda item by approaching the microphone until recognized by the Planning Commission Chair. All regular Planning Commission meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the Community Development Department. Complete packets are available online at www.sanbruno.ca.gov and at the library. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodation for this meeting should notify us 48 hours prior to meeting. Notices, agendas, and records for or otherwise distributed to the public at a meeting of the Planning Commission will be made available in appropriate alternative formats upon request by any person with a disability. Please make all requests to accommodate your disability to the Community Development Department 650-616-7074.

ROLL CALL

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES: February 21, 2012

2. COMMUNICATIONS

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: Individuals allowed three minutes, groups in attendance, five minutes. It is the Commission's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Commission from discussing or acting upon any matter not agendaized pursuant to State Law.

4. ANNOUNCEMENT OF CONFLICT OF INTEREST

5. PUBLIC HEARINGS Note: If you challenge the below actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

A. 237 Acacia Avenue (APN 020-402-090)

Zoning: R-1

Environmental Determination: Statutory Exemption

Request for a Use Permit to allow a large family day care operation in a single-family residential zone per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance. Nora Dowd (Applicant) Martin and Nora Dowd (Owners). **UP12-002.**

6. DISCUSSION

A. CITY STAFF DISCUSSION

- **Select the April 12, 2012 Architectural Review Committee members**
- **Update on Development Activity**

B. PLANNING COMMISSION DISCUSSION

7. ADJOURNMENT

The next regular Planning Commission Meeting will be held on April 17, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



"The City With a Heart"

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MINUTES PLANNING COMMISSION MEETING

February 21, 2012

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:00 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Sammut	X	
Commissioner Marshall		X
Commissioner Petersen	X	
Commissioner Chase	X	
Commissioner Johnson	X	

STAFF PRESENT:

Planning Division: Community Development Director: Aaron Aknin
Associate Planner: Laura Russell
Assistant Planner: Matt Neuebaumer
Contract Associate Planner: Tony Rozzi
Recording Secretary: Shauna Williams

Pledge of Allegiance: Vice Chair Biasotti

1. Approval of Minutes – January 17, 2012

Motion to Approve Minutes of January 17, 2012 Planning Commission meeting.

Johnson/ Chase

VOTE: 6-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

2. Communication

E-Packets are available on line at www.sanbruno.ca.gov

Draft Transit Corridor Plan is available on line at www.planbruno.org

Rebuild Crestmoor website is available at www.rebuildcrestmoor.org

3. Public Comment - None

4. Announcement of Conflict of Interest

5. Public Hearings

A. 1000 National Avenue

Request for a Use Permit to allow a large family daycare operation in a Planned Development residential apartment per Section 12.84.200 of the San Bruno Zoning Ordinance. Raquel Duran (Applicant) Archstone San Bruno, LLC (Owner) UP-12-001

Contract Associate Planner Rozzi: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 12-001 based on the Findings of Fact 1-4, subject to Conditions of Approval (1-22) [including a modification to standard condition of approval #3, which describes the process to move the operation to another apartment unit in the same complex].

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Johnson: You mentioned that the application is for a large family daycare that can hold up to 14 kids and that the applicant with most likely not have 14 kids. Is that based on the two-bedroom or three-bedroom apartment or both? How did this assumption arise?

Contract Associate Planner Rozzi: It is based on the conversations held with the applicant in regards to her business and operational goals. There is no restriction within the conditions of approval that prevents the applicant from caring for 14 children. I will let the applicant comment on that question.

Commissioner Johnson: You also mentioned that the applicant is awaiting approval for a 3-bedroom apartment in the same complex. I wanted to inform you that anytime your childcare business moves location you are required to be re-licensed by the state.

Contract Associate Planner Rozzi: Yes. I will also need to verify if it will require a new Use Permit application as well.

Public Comment Opened.

Raquel Duran; Applicant: I have been operating in San Bruno now for 3 years and I am looking to expand my business and take on more children. I feel my business location is very convenient for many residents at the Crossings Apartments. I do not plan on having 14 kids because my place is small and I want the kids to be comfortable. The apartment management is very supportive of my business and has not received any complaints.

Commissioner Johnson: What is the square footage of the residence that the kids utilize?

Raquel Duran; Applicant: The kids use about 925 square feet, my business office is off limits to the children.

Commissioner Johnson: In the event you are awarded the 3-bedroom apartment at your current complex, would you at that time take on more children at your daycare?

Raquel Duran; Applicant: No. If I were to move to a larger apartment I would not want more children, I would only have the 8 children. I would be able to better focus on the children.

Commissioner Johnson: One of your licensing requirements is to have fenced playgrounds. In the setting that you have this is not the case. How would you speak to that in order for us to make the best decision on your application?

Raquel Duran; Applicant: The playground is at the Archstone Apartments with in a cul-de-sac that is not surrounded by much traffic. This is one of the main reasons as to why I don't want more than 8 children at one time, so that I can steadily manage their activities on the playground and watch them closely.

Commissioner Johnson: Condition of approval #5, states that all employees shall park in the visitor parking spaces. Is there a time limit as to how long one car can be parked in the visitors' space?

CD Director Akin: The city does not monitor the parking at this site. I am unaware of what the visitor sign states at this property.

Commissioner Petersen: Condition #8 states that you are able to have 14 children at one given time. Would you be willing to amend that condition to read 9 children as apposed to 14?

Raquel Duran; Applicant: Yes, that is fine.

CD Director Akin: The only concern that I would have with that is that there are state licensing requirements that require the local approval to be consistent with the state approval. I feel changing the language in our approval would cause some conflict in the long run.

Commissioner Petersen: I do not agree with that because there is a question on whether or not this application has been properly represented to the public with accurate information on how many kids are approved to be on site.

CD Director Akin: In the public notice that was sent out it states the project is a large family daycare for 14 children.

Commissioner Johnson: If the applicant agrees to the number of children to 9, but be able to come back and request to go higher, would you consider that to be a conflict?

CD Director Akin: I could still see that as being a conflict. The language would need to be consistent with the state for expansion purposes.

Chair Mishra: If this is something that the two Commissioners feel strongly about, you may propose it as an amended resolution and we can vote on it. I disagree with the discussion and would like to move forward with the application.

Public Comment Closed.

Commissioner Johnson: I did feel the conversation was reasonable and then one question lead to another.

Motion to approve Use Permit 12-001 based on Findings of Fact (1-4) and Conditions of Approval (1-22) [including the modification to condition #3].

Commissioner Johnson/ Chase

VOTE: 6-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

Chair Mishra advised of a 10-day appeal period

FINDINGS OF FACT

1. The use permit to operate a large family day care home is for Apartment G8 located at 1000 National Avenue, which is located in a residential building in a Planned Development zoning district. The use permit to operate a large family day care home will not, with the Conditions of Approval, result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise.
2. The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off.
3. The proposed facility complies with applicable off-street parking standards of the zoning ordinance since the subject property contains adequate short-term parking for parents/guardians and dedicated parking for the applicant and her staff.
4. With the Conditions of Approval and pending final inspection, the proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7042

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 12-001 shall not be valid for any purpose.
2. Applicant must obtain a business license through the Finance Department.
3. The request for a use permit for a large family daycare home at 1000 National Avenue, Apt. G6 shall operate according to plans approved by the Planning Commission on February 21, 2012, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director. Any relocation to a different apartment unit within the 1000 National Avenue building shall require public noticing, community outreach, staff review, and approval by the Community Development Director.
4. Parents and guardians dropping off and picking up children from the apartment unit must park in the loading zone parking or visitor parking when picking up and dropping off their children. Parking in the designated loading zone areas should not exceed ten (10) minutes per the property manager. The applicant will be responsible for including drop-off/pick-up parking information to each parent/guardian upon enrollment. Parents and guardians shall obey all traffic laws.
5. Current and future employees that drive to work shall park in the visitor parking lot located on the south side of the 1000 National Avenue building. If visitor parking becomes consistently unavailable, the applicant may be required to rent an additional garage parking space for each employee at the property manager's and Community Development Director's discretion.
6. Children shall be supervised at all times when outdoors in designated public park areas to control noise levels. Children shall not use public courtyards or building hallways as recreation space.

7. The applicant shall obtain a license from the State of California to operate a large family day care center.
8. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any children that live at the home.

Fire Department - (650) 616-7096

9. Please contact the San Bruno Fire Department to conduct a site inspection once all Conditions of Approval have been met.
10. All licenses and permits shall be kept and posted in a conspicuous location.
11. A portable fire extinguisher having a minimum 2A100BC rating shall be mounted in an accessible location no higher than five (5) feet from the floor. The fire extinguisher is required to be visually inspected on a monthly basis. The fire extinguisher shall be serviced annually by a State Fire Marshal-licensed concern and bear a current service tag.
12. A smoke detector shall be located in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. Smoke detectors shall be tested monthly. Battery operated detectors must have batteries replaced as needed, not to exceed a period of one (1) year. Smoke detectors shall be installed per manufacturer's installation guidelines and the smoke detector shall not be in service for a period of time to exceed ten (10) years from the date of manufacture.
13. Extension cords shall not be used in place of permanent wiring and shall be used only with portable appliances. Multi-plug adapters, multi-plug extension cords, cube adapters, and other strip plugs and other devices shall not be used.
14. Every story or basement shall be provided with two (2) exits that are remotely located from each other.
15. Obstructions are not permitted in aisles, corridors, stairways and exits.
16. Side gates that are part of the exit path shall be provided with single operation hardware. An example is a string with a handle (at children's level) that is attached to the normal gate latch.
17. A means of exit shall not pass through garages, storerooms, closets or spaces used for similar purposes.
18. Flammable and combustible liquids in quantities in excess of ten (10) gallons shall be stored in a flammable liquid locker or cabinet. Flammable liquids that do not exceed ten gallons shall be stored in approved containers. All hazardous materials shall be stored in an area inaccessible to children.
19. The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.
20. A thirty-six (36) inch clearance shall be maintained around any heat producing equipment or appliances.
21. An emergency evacuation plan shall be developed, reviewed and posted on-site.

22. Fire drills shall be conducted every six (6) months and the records shall be maintained on-site and available for review.

B. 555 El Camino Real

Request for a Temporary Use Permit to allow a construction staging area in a parking lot per Section 12.84.030 of the San Bruno Municipal Code. J.J Nguyen, Inc. (Applicant) City of San Bruno (Owner), TUP-12-001

Associate Planner Russell: Entered staff report. Additional project description handed to Planning Commissioners.

Staff recommends that the Planning Commission **approve** Temporary Use Permit 12-001 based on Findings of Fact (1-3) and Conditions of Approval (1-9).

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Johnson: The hours of operation on the project description are different than those indicated in the staff report. So is that a change in hours?

Associate Planner Russell: I would like to request that we get clarification from the applicant on the hours of operation.

Public Comment Opened.

Mr. Nguyen; Applicant: I am here tonight to request the use of the city parking lot for the storage of equipment in the Phase II of our project. We will utilize the parking lot for storage after 4:00 p.m.

Public Comment Closed.

Motion to approve Temporary Use Permit 12-001 based on Findings of Fact (1-3) and Conditions of Approval (1-9).

Commissioner Sammut/ Chase

VOTE: 6-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

Chair Mishra advised of a 10-day appeal period

FINDINGS OF FACT

1. The proposed use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed use will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
3. The proposed use will be consistent with the general plan.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Temporary Use Permit 12-001 shall not be valid for any purpose. Temporary Use Permit 12-001 shall expire on October 31, 2012.
2. The request for a temporary construction staging area shall be operated according to plans approved by the Planning Commission on February 21, 2012, labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall maintain the construction staging area in a clean and orderly condition. Trash, dirt, and debris shall be cleaned on a daily basis.
4. No building materials or plants shall be stored at the site without prior approval from the Community Development Director.
5. No restroom facilities shall be permitted at the staging area.
6. The applicant shall not perform any maintenance of the equipment at the subject site.
7. The applicant shall remove all equipment and thoroughly clean the staging area within 14 days of the conclusion of the median landscaping project.
8. The applicant shall repair any damage to the parking lot in the area used for construction staging at the end of construction.
9. The applicant shall comply with all best management practices for stormwater pollution prevention.

6. Discussion

A. City Staff Discussion: Commissioners Sammut, Biasotti, and Chase volunteered for the March 15, 2012 Architectural Review Committee meeting.

B. Planning Commission Discussion:

CD Director Akin: Glenview/Crestmoor Update. As you know there were thirty-eight homes destroyed in the fire. We have issued thirteen building permits for the complete rebuild homes thus far. There are a good handful of residents taking advantage of the BuildIt Green grant program to allow an increase in energy efficiency. We have another seven applications in plan review and should be breaking ground fairly soon. I can estimate 20 out of the 38 homes will be under construction and a few of them finished by summer time. I encourage you to take a look at the new website www.rebuildcrestmoor.org for more information.

I advise you to drive by Treetops Apartments, now called Pacific Bay Vistas. They are doing a great job and the progress is moving rapidly.

The Cedar Mills project for 14 single-family homes is also moving fast. The 3 model homes are progressing rapidly and should be available for viewing soon. Commissioner Biasotti and I were just talking about how homes in that area have been selling fast, so this will be a great development once it hits the market.

7. Adjournment

Meeting was adjourned at 7:38 pm

Aaron Akin

Secretary to the Planning Commission
City of San Bruno

Sujendra Mishra, Chair

Planning Commission
City of San Bruno

NEXT MEETING: March 20, 2012



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://www.sanbruno.ca.gov>

STAFF

Aaron Akin, AICP, *Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Lisa Costa Sanders, *Acting Planning Manager*
Laura Russell, AICP, *Associate Planner*
Matt Neuebaumer, *Assistant Planner*
Tony Rozzi, AICP, *Contract Associate Planner*
Marc Zafferano, *City Attorney*

PLANNING COMMISSION

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**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. 5A
March 20, 2012**

PROJECT LOCATION

1. Address: 237 Acacia Avenue
2. Assessor's Parcel No: 020-402-090
3. Zoning District: R-1 Single Family Residential
4. General Plan Classification: Low Density Residential

EXHIBITS

- A: Site Location
- B: Photographs
- C: Site Plan & Floor Plan
- D: Applicant's Supporting Statement
- E: Neighborhood Comments

REQUEST

Request for a Use Permit to allow a large family day care operation in a single-family residential zone per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance. Nora Dowd (Applicant) Martin and Nora Dowd (Owners). **UP12-002.**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Use Permit 12-002 based on the Findings of Fact 1-4, subject to Conditions of Approval (1-25).

REVIEWING AGENCIES

Community Development Department
Fire Department

LEGAL NOTICE

1. Notices of public hearing mailed to owners of property within 300 feet on March 9, 2012.
2. Advertisement published in the *San Mateo Daily Journal*, Saturday, March 10, 2012.

ENVIRONMENTAL ASSESSMENT

This project is Statutorily Exempt per the California Environmental Quality Act (CEQA) Guideline 15274: Large Family Day Care Homes.

EXISTING CONDITIONS

The subject property is located on Acacia Avenue between San Felipe Avenue and Crystal Springs Road on a standard 5,000 square foot lot. The house has two bedrooms and one bathroom with a two-car garage. The applicant has been operating a small daycare facility at this location since July 2007. The kitchen, dining room, and rear deck are off limits for the children. The rest of the home is used for the current day care operation. The property owners also operate a home occupation plumbing business from the residence. The plumbing business has had a valid business license since 2000. The Code Enforcement Division has not received any complaints regarding the day care or plumbing business.

SURROUNDING LAND USES

North: Crystal Springs Road – R-1 Single Family Residential District

South: San Felipe Avenue – R-1 Single Family Residential District

East: Elm Avenue – R-1 Single Family Residential District

West: Cypress Avenue – R-1 Single Family Residential District

PROJECT DESCRIPTION

The applicant proposes to expand into a large family daycare facility. A use permit is required for a large family daycare facility (more than eight children), as well as approval by the State of California. The large family daycare would allow the applicant to increase the number of infants she cares for as well as increase the general capacity. As a summary, the State of California capacity requirements are as follows:

Small family daycare facility

- Four (4) infants Only, or
- Six (6) children (no more than three infants), or
- Eight (8) children (no more than two infants and two school-age children).

Large family daycare facility

- Twelve (12) children (no more than four (4) infants) or
- Up to fourteen (14) children if one child is at least six years old and one child is enrolled in kindergarten or elementary school (no more than three infants).

The applicant plans to care for four (4) children under two years old and eight (8) children up to three and a half years old for a total of 12 children. However, if the Use Permit is approved, the applicant would have the opportunity to care for up to 14 children if the ages of the children changes and still complies with State requirements.

The applicant would operate the large family daycare in the same manner as the existing small family daycare. The hours of operation would be from 8:00am to 5:30pm, Monday through Friday. Children will arrive in the morning between 8:00am and 8:45 am and be picked up in the evening between 4:30pm and 5:30pm. The daycare is closed on all holidays. The applicant has one full time employee that lives outside the home.

Daycare activities are located within the living room, both bedrooms, and the back yard. Per the applicant, there are two outdoor play times, one hour in the morning and one hour in the afternoon. The

fence and trees in the yard mitigate privacy and noise impacts on the adjacent neighbors. The applicant also takes the children to the park, which reduces the amount of time the children play in the back yard.

PUBLIC COMMENTS

Staff mailed a courtesy notice to all property owners on the 200 block of Acacia and the houses directly behind the subject site on March 1, 2012. The legal notice was mailed to all property owners within 300 feet on March 8, 2012. Staff has received comments from three neighbors, which are attached as Exhibit E. The next-door neighbor at 233 Acacia Avenue sent staff an email supporting the application. The neighbor across the street at 240 Acacia Avenue also sent a letter of support.

Staff received an anonymous letter from a neighbor objecting to the enlargement of the facility. They noted that the family also operates a plumbing business from the house. They further suggested that the business should be set up in a commercial location to avoid drop off and pick up on a narrow residential street. Since the letter was anonymous, staff cannot contact them to discuss their concerns. However, conditions of approval #4, 5, 6, and 10 were specifically added to address the operation of the plumbing business as well pick up and drop off of children.

ANALYSIS AND RECOMMENDATION

The San Bruno Zoning Ordinance allows large family daycare facilities in residential zoned districts with the approval of a conditional use permit. The subject site is located within the R-1 Single Family Residential Zoning District. Large family daycare homes are analyzed based on potential impacts on traffic, parking, noise, and the concentration of similar facilities in the vicinity.

The applicant has previously told parents to use the street in front of the house for drop off and pick up of children while the applicant's vehicle(s) were parked in the driveway. With the proposed expansion, staff finds that this approach would not be sufficient to mitigate any traffic or parking concerns. Staff has included several conditions of approval to address parking and traffic. Condition #4 requires the applicant to park their personal vehicle in the garage whenever the daycare is operating. With the daycare operator parked in the garage, there will be room in the driveway for two cars. Condition of approval #5 requires the employee of the daycare to park in the driveway. Condition of approval #6 requires the applicant to update her policies to inform parents that they should use the driveway for pick up and drop off of their children. In combination, these conditions will mitigate any traffic and parking impacts.

Regarding noise, the applicant specializes in care for small children, so their outdoor time is limited. According to the daily schedule, the children spend only two hours per day in the back yard. The yard has a combination of grass and paved area. During the site inspection, staff did not identify any features of the yard that would lead to excessive noise. Additionally, the yard is well fenced and has several small trees.

There are no other large family daycare facilities in the immediate vicinity so concentration is not an issue.

*Pursuant to the City's Municipal Code, the Commission shall grant the Use Permit if it makes the following findings (required findings are in **bold** followed by Staff's analysis of the merits of the project and how the findings can be made):*

1. **The proposed facility meets the locational standards of subsection B:**
 - a. **Location within a residential district:**

The subject property is located within the R-1 (Single Family Residential) District, therefore this finding can be made.

- b. **The proposed facility will not result in undue negative impacts upon the neighborhood vicinity. Factors to be considered shall include traffic, parking, noise and the spacing and concentration of similar facilities within the vicinity of the proposed facility. The Planning Commission may impose reasonable conditions in order to mitigate potential undue negative impacts.**

The proposed use will not significantly increase negative impacts with the conditions set forth in this staff report. As described by the applicant and confirmed during the site visit, the subject property and surrounding area can provide the necessary parking and circulation for the proposed large daycare facility. Staff has included conditions of approval that require the resident daycare operator to park in the garage and employee to park in the driveway. This will leave one driveway space and on-street parking available for parents to use. The applicant will be responsible for including drop-off/pick-up parking information to each parent/guardian upon enrollment. Additionally, parents and guardians shall comply with all traffic laws. This should ensure that the use does not significantly impact surrounding parking or circulation.

To minimize any noise impact, a condition of approval has been added that the children shall be supervised at all times while outdoors. The outdoor play area is limited to two hours per day, which should not generate a significant impact on neighbors.

There are no other large family daycare facilities in the immediate vicinity so concentration is not a concern.

2. **The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off.**

Staff verified during the site visit that the applicant is able to park in the garage and that there are two spaces in the driveway. With the condition of approval that the applicant park in the garage and the employee park in the driveway, there will be adequate driveway space for children to be picked up or dropped off.

3. **The proposed facility complies with applicable off-street parking standards of the zoning ordinance.**

The subject property contains an attached two-car garage, which meets the Municipal Code requirement for number of covered spaces. The width of the garage is substandard by the current Code, but is legal non-conforming. The driveway depth is less than 20'; however, there is adequate room for pick-up and drop-off of children.

4. **The proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.**

Fire Department staff granted conditional approval pending final inspection and with the condition of approval that the applicant comply with the applicable items on the "San Bruno Fire Department Standards for Large Family Day Care Homes."

Recommendation

Based on the above analysis and Findings of Fact 1-4, staff recommends **approval** of Use Permit 12-002 subject to Conditions of Approval 1-25.

FINDINGS OF FACT

1. The use permit to operate a large family day care home is for a site located in a residential district. The use permit to operate a large family day care home will not, with the Conditions of Approval, result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise.
2. The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off.
3. The proposed facility complies with applicable off-street parking standards of the zoning ordinance since the subject property contains adequate short-term parking for parents/guardians and dedicated parking for the applicant and her staff.
4. With the Conditions of Approval and pending final inspection, the proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7042

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 12-002 shall not be valid for any purpose.
2. Applicant must obtain a business license through the Finance Department.
3. The request for a use permit for a large family daycare home at 237 Acacia Avenue shall operate according to plans and statement approved by the Planning Commission on March 20, 2012, labeled Exhibits C and D except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. Applicant shall park their personal vehicle(s) in the garage within thirty (30) minutes before and after daycare hours.

5. Current and future employees that drive to work shall park in the driveway. If the employee's vehicle significantly encroaches into the sidewalk, the applicant shall revise the parking configuration to the satisfaction of the Community Development Director.
6. Parents and guardians dropping off and picking up children from the home must park on the driveway when picking up and dropping off their children. In the event the driveway is not available, the parents shall use the street parking area in front of the home. Parents and guardians shall obey all traffic laws and not double park at any time. The applicant shall update the written policies of the daycare operation to state the drop off and pick up rules.
7. Children shall be supervised at all times when outdoors to control noise levels.
8. The applicant shall obtain a license from the State of California to operate a large family day care.
9. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any children that live at the home.
10. Applicant's household shall comply with all aspects of the San Bruno Municipal Code related to the home occupation plumbing business. Non-resident employees of the plumbing business shall not be allowed to report to work at the subject site.
11. The applicant shall remove obstructions in the garage to ensure the maximum free and clear area for parking. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space or as general storage. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Fire Department - (650) 616-7096

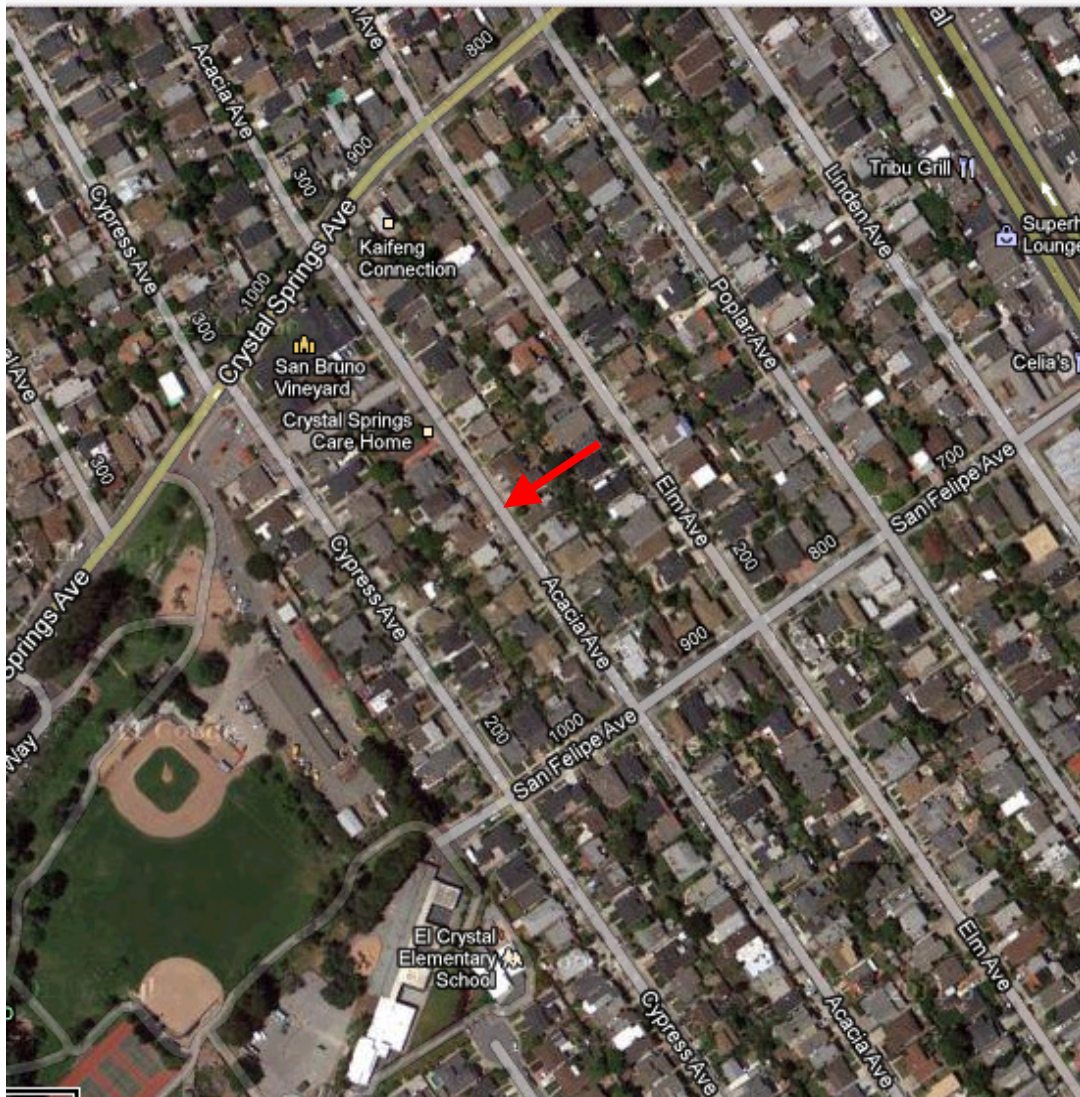
12. Please contact the San Bruno Fire Department to conduct a site inspection once all Conditions of Approval have been met.
13. All licenses and permits shall be kept and posted in a conspicuous location.
14. A portable fire extinguisher having a minimum 2A100BC rating shall be mounted in an accessible location no higher than five (5) feet from the floor. The fire extinguisher is required to be visually inspected on a monthly basis. The fire extinguisher shall be serviced annually by a State Fire Marshal-licensed concern and bear a current service tag.
15. A smoke detector shall be located in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. Smoke detectors shall be tested monthly. Battery operated detectors must have batteries replaced as needed, not to exceed a period of one (1) year. Smoke detectors shall be installed per manufacturer's installation guidelines and the smoke detector shall not be in service for a period of time to exceed ten (10) years from the date of manufacture.
16. Extension cords shall not be used in place of permanent wiring and shall be used only with

portable appliances. Multi-plug adapters, multi-plug extension cords, cube adapters, and other strip plugs and other devices shall not be used.

17. Every story or basement shall be provided with two (2) exits that are remotely located from each other.
18. Obstructions are not permitted in aisles, corridors, stairways and exits.
19. Side gates that are part of the exit path shall be provided with single operation hardware. An example is a string with a handle (at children's level) that is attached to the normal gate latch.
20. A means of exit shall not pass through garages, storerooms, closets or spaces used for similar purposes.
21. Flammable and combustible liquids in quantities in excess of ten (10) gallons shall be stored in a flammable liquid locker or cabinet. Flammable liquids that do not exceed ten gallons shall be stored in approved containers. All hazardous materials shall be stored in an area inaccessible to children.
22. The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.
23. A thirty-six (36) inch clearance shall be maintained around any heat producing equipment or appliances.
24. An emergency evacuation plan shall be developed, reviewed and posted on-site.
25. Fire drills shall be conducted every six (6) months and the records shall be maintained on-site and available for review.

Submitted on 3/14/12 by:

Laura Russell
Associate Planner



Subject Site
237 Acacia Avenue
020-402-090
UP12-003

Exhibit A – Site Location



Exhibit B – Photos



EXHIBIT C

Nora Dowd
237 Acacia Ave.
San Bruno, CA
94066
2/1/2012

To Whom It May Concern:

My name is Nora Dowd and I wish to apply to the city of San Bruno for a use permit for my family childcare business. I have had a small (8 child) license since July '07 and now want to increase my capacity to a large (14 child) license.

One of the reasons I would like to do this is so I can offer childcare to my granddaughter, Kathleen, without any reduction to my income. The large license will allow me to care for four children under two, whereas the small license only allows two children under two.

I have worked in the childcare field for many years. I've worked as a preschool teacher/assistant director and in family childcare also. As my real passion is in caring for the younger child, I decided to open my own childcare business. The change in career has been a very rewarding experience for me and I look forward to being able to offer my services to more families in San Bruno and its surrounding cities. I take my job very seriously and will always respect my neighbors right to peaceful enjoyment of their property. As my program is play-based, with a structured pre-school component, our outside time will be no more than approximately two hours on any given day.

Thank you for time and consideration.

Best regards,
Nora Dowd

EXHIBIT D

Daily Schedule

- 8:00-9:00 Arrival / Free choice
- 9:00-9:30 Snack / Clean up
- 9:30-10 Circle Time
- 10-10:30 Art / table activities
- 10:30-10:45 Clean up / Prep for outside activities
- 10:45-11:45 Outside activities (backyard or park)
- 11:45-12:00 Prep for lunch
- 12:00-12:45 Lunch and Clean up
- 12:45-1:00 Prep for nap
- 1:00-3:00 Nap / rest time
- 3:00-3:30 Clean up/ snack
- 3:30-4:30 Outside activity in backyard
- 4:30-5:30 Quiet time / pick up

Two hours of outside activity will be had daily.
Some of the time will be spent a block away at the local park
There is a weekly trip to the library on Thursdays.

Drop-off Schedule

8:00 2 Children
8:15 1 Child
8:30 1 Child
8:30-8:45 1 Child

Drop-off 5 Children Total.

Pick-up Schedule

12:50 1 Child
4:30 1 Child
4:45-5:00 1 Child
5:15-5:30 2 Children

Monday thru Friday.

Children To Be Cared For:

12 in total -

4 under two years of age and 8 from 2 - 3.5 years

1 full time employee that lives outside of residence.

Hours of Operation

8am - 5:30pm Monday thru Friday

All holidays observed.

Closed for 2 weeks vacation each year

Drop Off:

8am - 8:45 (approx.)

Pick Up:

4:30pm - 5:30pm

Laura Russell

From: larry lynch [larrylynch@sanbrunocable.com]
Sent: Wednesday, March 07, 2012 11:00 AM
To: Laura Russell
Subject: Nora Dowd's request for a large day care facility

Dear Ms. Russell,

I am responding to Nora Dowd's request for a large day care facility license. My husband and I live next door at 233 Acacia and are in full support of her request. Nora is correct when she says she respects her neighbors' right to peaceful enjoyment of their property. The operation of her current business has never caused any issue of concern; in fact we enjoy the sights and sounds of little ones next door. I believe that expanding her childcare capacity is appropriate and anticipate no issues what so ever. I urge the Planning Commission to approve Mrs. Dowd's proposal.

Sincerely,

Shaina Lynch

233 Acacia Ave
San Bruno

EXHIBIT E

3/13/2012

March 6, 2012

Roger C. Rogge
240 Acacia Ave.
San Bruno Ca. 94055

MAR 12 2012

RECEIVED

City of San Bruno Planning Commission
El Camino Real
San Bruno Ca, 94066-4299

To whom it may concern:

This is in response to a letter dated March 1, 2012 from Laura Russell and the City of San Bruno Planning Commission. The letter is in regards to a permit for a day care facility by Nora Dowd.

My wife and I live directly across the street from Mrs. Dowd. In my opinion, her current dare care is an excellent example of a neighbor friendly operation. Without exception children are escorted to and from the front door by their parent. The children are dropped off and picked up with little or no impact on traffic and children are always in proper child safety seats. I have never experienced any level of noise or problems that have interfered with my quit enjoyment of my property.

I recommend approval of her permit without reservation. It appears to me that Mrs. Dowd is someone who genuinely cares about what she does and how her operation affects her neighbors. The parents in need of this service have always respected the neighborhood and I believe this will continue to be the case.

Respectfully,



Roger C. Rogge

RE: Proposed Large Family Day Care at 237 Acacia Avenue

I am very much opposed to the enlargement of the facility. I would like to see this block of Acacia remain more "business free."

As it is, there has been a day care facility since 2007 at that address - originally a 2 bedroom-one bath house. Also her husband, Martin has had a plumbing business operating from that address with 2 trucks always parked outside plus numerous cars.

As is well known in much of this area of San Bruno there are many, many cars parked on both sides of the street making it difficult to pass each other without one of them pulling over to the side to pass.

What if we all wanted to run our private businesses from our own little homes?!? I believe it should be adequately set up in a more commercial area, thereby eliminating a drop-off/pick up situation on a narrow residential street.

I prefer to remain anonymous.

CITY OF SAN BRUNO
COMMUNITY DEVELOPMENT DEPARTMENT

MAR 13 2012

RECEIVED